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April 25, 2008

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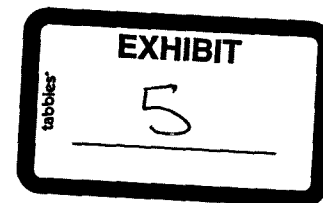
VIA ELECTRONIC MAIL

Re Cobb-Vantress Rule 30(b)(6) deposition notice of April 14, 2008 issued in
State of Oklahoma et al v Tyson Foods, Inc et al, N D Okl Case No
05-CV-00329-GKF-SAJ

Dear Michael

I am writing in response to your letter of April 18 about the Defendants' April 14, 2008 Rule 30(b)(6) deposition notice to the State. Based upon your letter, the State understands that no defendant will serve any other Rule 30(b)(6) notice on the State covering any of the topics on Attachment A to your April 14, 2008 notice. Further all Defendants understand that if they want to ask questions on the topics on Attachment A, they must do so when the State produces its witnesses on the topics listed on Attachment A. The State does not accept your assertion that the Defendants are entitled to continue inquiry of a representative designated by the State if information or facts previously unknown to the parties become available, to the extent you assert any right to further examination that may exist under the Federal Rules. However, at present we need to schedule witnesses on the topics in Attachment A, and can leave any duty of supplementation for discussion at a later time.

Since our last discussions of Rule 30(b)(6) depositions, the parties have prepared for and conducted the preliminary injunction hearing. Leading up to that hearing, the Defendants argued successfully that preparation for and conduct of that hearing precluded 30(b)(6) depositions sought by the State and timely responses to motions by the State. Following that hearing, counsel for the State have been engaged in preparation of the State's expert reports. As you recall, the Defendants opposed a request for additional time to prepare those reports. We would undoubtedly need to present State 30(b)(6) witnesses after the completion of the expert reports even if the Defendants had not served new and more detailed lists of topics on April 14.



April 25, 2008

Page 2

While we have known Defendants want 30(b)(6) depositions on these five general topics for some time, your April 14 notice is far more detailed than the previous list of topics presented by the Defendants and contains far more detailed subparts than the earlier consolidated list. By way of comparison, the number of subparts of the earlier list versus the number in the April 14 list is as follows:

Topic	Subparts in earlier list	Subparts in April 14 list
Total Maximum Daily Loads ("TMDLs")	4	12
Wastewater/Point Source Discharges	4	18
State Purchase or Use of Animal or Chemical Fertilizers	4 (excludes some poultry litter topics covered in another notice)	4 (appears not to exclude poultry litter)
Biosolids or Sewage Sludge	5	8
State owned or leased land	4	5

Despite your assertion to the contrary, we simply cannot present witnesses on these topics while completing our expert reports, presently due on May 15. As I indicated in my letter to you of April 17, 2008, we will contact you shortly to discuss scheduling of these depositions. Once again, this commitment is made subject to and without waiving any objections the State may have to the contents of your notice of April 14, 2008.

Sincerely yours,



Robert A. Nance
For the Firm

Cc Counsel of Record